



PATENT APPLICATION
Docket: 15436.247.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

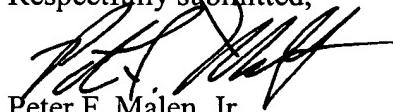
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 6TH day of April 2004.

Respectfully submitted,



Peter F. Malen, Jr.
Attorney for Applicant
Registration No. 45,576
Customer No.: 022913

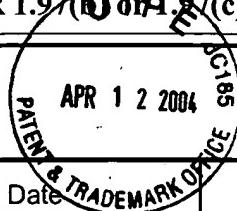
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PFM/jw
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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(d) or 1.97(c))

Docket No.
15436.247.11.1

In Re Application Of: **Hofmeister, et al**



Serial No.
10/697,395

Filing Date
October 30, 2003

Examiner
Unknown

Group Art Unit
2661

Title: **AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES**

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
 - the statement specified in 37 CFR 1.97(e);
- OR**
- the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15436.247.11.1

In Re Application: **Hofmeister, et al**

Serial No.
10/697,395

Filing Date
October 30, 2003

Examiner
Unknown

Group Art Unit
2661

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- Charge the amount of _____
- Credit any overpayment.
- Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

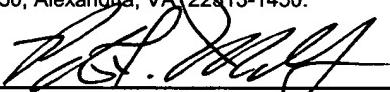
(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on April 7, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Peter F. Malen, Jr.

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.



Signature

Dated: April 7, 2004

Peter F. Malen, Jr.

Attorney for Applicant

Reg No.: 45,576

Customer No.: 022913

CC:



PATENT APPLICATION
Docket: 15436.247.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 7th day of April 2004.

- Transmittal for Information Disclosure Statement (2 pages dup.)
 - Information Disclosure Statement (2 pages)
 - Form PTO-1449 listing 1 reference (2 pages)
 - A copy of each of the references listed on the Form PTO-1449
 - Postcard

Respectfully submitted,

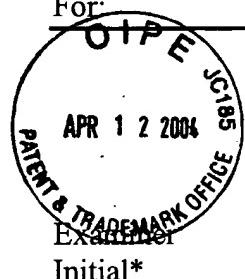
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Applicant: Hofmeister, et al
 Serial No.: 10/697,395
 Filing Date: October 30, 2003
 For:

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Att'y Docket No.: 15436.247.11.1
 Art Unit: 2661



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

Examiner <u>Initial*</u>	<u>Document Number</u>	<u>Issue/Publication Date</u>	<u>Name</u>
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Foreign Patent Documents

Examiner <u>Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>	<u>Translation</u>
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Prior Applications Filed

(including serial number, title, filing date, etc.)

Examiner <u>Initial*</u>	<u>Serial No.</u>	<u>Date</u>	<u>Title</u>
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____ 1	10/629,301	07/28/2003	Transceiver Module and Integrated Circuit With Multi-Rate Eye Openers and Bypass
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References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Hofmeister, et al
Serial No.: 10/697,395
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Att'y Docket No.: 15436.247.11.1
Art Unit: 2661

by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.